

### **REMARKS/ARGUMENTS**

In response to the Final Office Action mailed January 16, 2004, Applicants propose to amend their application and request reconsideration in view of the proposed amendments and the following remarks. In this amendment, claims 1 and 4 are proposed to be amended, no claims are proposed to be added or cancelled, so that claims 1-13 are currently pending. No new matter has been introduced.

Claims 1, 4-11 and 13 were rejected as being unpatentable over US Patent No. 5,324,304 to Rasmussen in view of US Patent No. 4,832,055 to Palestrant. This rejection is respectfully traversed.

Rasmussen discloses an introduction catheter for a collapsible, self-expandable implant. Although stents are mentioned, the primary invention described relates to vascular filters. The introduction catheter comprises a flexible external guide sheath and a flexible internal filter catheter. The internal filter catheter is slidably displaceable inside the external-guide sheath. At its distal end, the flexible internal catheter is connected with a tubular end member. Slidably arranged inside the tubular end member is a filter retaining member serving to releasably retain the anchoring legs of the filter inside the tubular end member until the introduction catheter is positioned.

Palestrant discloses a mechanically locking blood clot filter. The filter comprises a central core wire and multiple peripheral wires that form the filter mesh. A first connector connects one end of each of the peripheral wires together and forms the nose of the filter. A second connector spaced a predetermined distance from the first connector comprises a tubular collar through which all of the wires pass. The portion of the wires between the two connectors form the filter mesh when deployed. Palestrant also discloses a delivery system for the filter. The delivery system comprises a delivery catheter, an outer catheter and a pusher catheter. The delivery system also comprises a moveable stop coupled to the pusher catheter for defining a fixed spaced or distance between an infusion port and a portion of the stop. The stop is of a sufficient length to permit the delivery catheter and the outer catheter to be withdrawn to the extent that the peripheral wires forming the filter mesh are no longer encased by the delivery catheter while the leg assembly of the blood clot filter remain encased by the delivery catheter.

The present invention, as claimed in independent claim 1, is directed to a delivery apparatus for a self-expanding stent. The apparatus comprises an outer sheath and an inner shaft located coaxially and slidably within the outer sheath. The apparatus also comprises a stop releasably affixed on an exterior surface thereof. The stop is configured to allow the outer sheath to move a predetermined distance, thereby enabling partial deployment of a self-expanding stent. The inner shaft further including at least two grooves disposed thereon.

The present invention, as claimed in independent claim 4, is directed to a stent delivery apparatus. The apparatus comprises an outer sheath comprising an elongated tubular member, an inner shaft located coaxially within the outer sheath, and a substantially cylindrical self-

expanding stent located within the outer sheath. The apparatus also includes a stop releasably affixed on an exterior surface thereof adjacent to its proximal end. The stop is configured to allow the outer sheath to move a predetermined distance, thereby enabling partial deployment of a self-expanding stent. The inner shaft also including at least two grooves disposed thereon. The stent including at least two legs, each having a flange with one set in the grooves of the inner shaft.

The MPEP, in Section 706.02(j) sets forth the basic criteria that must be met in order to establish a *prima facie* case of obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicants' disclosure. In re Vaack 947 F.2d, 488,20.USPQ2d 1438 (Fed.Cir. 1991). See MPEP §2143.03 for decisions pertinent to each of these criteria.

The claimed invention comprises a simple device comprising an outer sheath and an inner shaft located coaxially and slidably within the outer sheath. The apparatus comprises a stop releasably affixed on an exterior surface of the inner shaft. The inner shaft also includes at least two grooves thereon. In claim 14, a self-expanding stent is claimed.

Palestrant discloses a blood clot filter delivery device. The filter is attached to a retractor cable. The retractor cable is disposed within a pushing catheter. The pushing catheter is disposed within a delivery catheter. The delivery catheter is disposed within an outer catheter. The stop is attached to the pushing catheter. The present invention as claimed in independent claims 1 and 4 comprises a stop attached to an inner shaft which is associated with the stent. For the claimed invention to be obvious in light of the combination of references, Palestrant's stop would have to be connected to the retractor cable rather than the pushing catheter. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

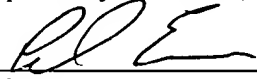
Claims 2, 3, and 12 were rejected as being unpatentable over Rasmussen in view of Palestrant and further in view of US Patent No. 6,136,006 to Johnson et al. (Johnson). The rejection is respectfully traversed.

Johnson discloses a device for delivering a self-expanding stent. The device comprises an elongated exterior catheter, an interior catheter which is positioned in the lumen of the exterior catheter and a stent. The exterior catheter comprises a hub, and the interior catheter comprises a hub. An annular sleeve detent region is formed between the hubs and a sleeve surrounds the interior catheter and abuts to the hubs to prevent any movement of the interior catheter axially relative to the exterior catheter.

The combination of Rasmussen, Palestrant and Johnson fails to disclose all of the claimed elements of independent claims 1 and 4 for the reasons given above. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

The amendment raises no new issues and places the application in condition for allowance. Therefore, entry is proper and earnestly solicited.

Respectfully submitted,

  
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